

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
PIG NEWTON, INC.,

Plaintiff,

-against-

THE BOARDS OF DIRECTORS OF THE  
MOTION PICTURE INDUSTRY PENSION  
PLAN, THE MOTION PICTURE  
INDUSTRY INDIVIDUAL ACCOUNT  
PLAN, AND THE MOTION PICTURE  
INDUSTRY HEALTH PLAN,  
Defendants.

Case No. 13-CIV-7312 (KPF)

**DECLARATION OF SHANDA  
ZUNIGA**

SHANDA ZUNIGA hereby declares as follows:

1. I have been the Manager of the Employer Contracts Department of the Motion Picture Industry Pension and Health Plans (together, with the Motion Picture Individual Account Plan, the "Plans") since January 1, 2002. I have been employed by the Plans since December 1990, first as an Eligibility Department Representative. I was promoted to Assistant Manager of the Eligibility Department in 1994, followed by a promotion to Manager of the Eligibility Department in 1995.
2. As Manager of the Plans' Employer Contracts Department, I am responsible for overseeing the staff and daily operations of the Department and providing Union and Employer parties with appropriate information pertaining to their obligations to make contributions to the Plans. In my current position and through my prior positions with the Plans, I have knowledge and familiarity with the operation of the Plans, including with various industry collective bargaining agreements, contribution and eligibility requirements, the terms of the Plans' governing documents, and with the Plans' records.

3. The Plans' records show that Pig Newton owes the Plans, as of May 1, 2015, a total of \$149,738.70 relating to delinquencies for its Controlling Employee. For the audit period of January 30, 2011 to November 12, 2012, Pig Newton owes \$27,935.16 in contributions, interest of \$9,987.93, liquidated damages of \$9,987.93, and audit fees of \$2,070.00, for a total of \$49,981.02. For the periods before and after the audit (i.e., April 16, 2010 through January 29, 2011 and November 13, 2012 to May 1, 2015, respectively), Pig Newton owes \$68,089.42 in contributions, \$15,834.13 in interest, and \$15,834.13 in liquidated damages, for a total of \$99,757.68.
4. This delinquency amount as of May 1, 2015 takes into account the 40 hours of contributions made to the Plans by Pig Newton on behalf of its Controlling Employee for the period March 22, 2015 to March 28, 2015.
5. For the year beginning March 22, 2015 (and extending to March 26, 2016), the applicable "cost of benefits" (or, contribution) rate covering Pig Newton's employees is \$12.586 per hour for all three Plans (i.e., the Motion Picture Industry Pension, Health, and Individual Account Plans).

I declare under the penalty of perjury that the foregoing is true and correct.

Executed on April 30, 2015

  
Shanda Zuniga